

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

|   |   |                             |
|---|---|-----------------------------|
| FOUNDRY NETWORKS, INC.,<br>a Delaware Corporation,          | ) |                             |
| Plaintiff,  | ) |                             |
| v.  | ) | Civil Action No. 06-470-SLR |
| ALCATEL USA RESOURCES, INC.,<br>a Delaware Corporation,     | ) | (JURY TRIAL DEMANDED)       |
| ALCATEL INTERNETWORKING, INC.,<br>a California Corporation, | ) |                             |
| COMPAGNIE FINANCIÈRE ALCATEL,<br>a French Corporation, and  | ) |                             |
| and ALCATEL S.A.,<br>a French Corporation,                  | ) |                             |
| Defendants.   | ) |                             |

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED by and between the parties through their respective counsel, subject to the approval of the Court, that pursuant to the parties' confidential Settlement Agreement, the above-captioned action, including all claims and counterclaims therein, is hereby dismissed with prejudice, all parties to bear their own costs and attorney fees.

**POTTER ANDERSON & CORROON LLP**

/s/ Philip A. Rovner

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*Attorneys for Defendants*

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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United States District Judge

**CERTIFICATE OF SERVICE**

I, Karen L. Pascale, Esquire, hereby certify that on March 7, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on March 7, 2007, I caused a copy of the foregoing document to be served by e-mail and hand delivery on the above-listed counsel of record, and on the following non-registered participants in the manner indicated:

**By E-Mail**

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